

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00148

**Vincent Monrow Friemel,**  
*Plaintiff,*  
v.  
**Gregg County Sheriff's Office et al.,**  
*Defendants.*

**ORDER**

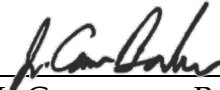
Plaintiff Vincent Monrow Friemel, proceeding pro se and in forma pauperis, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 3. On April 23, 2021, the magistrate judge identified material deficiencies in plaintiff's original complaint and ordered him to file an amended complaint to demonstrate a basis for a civil rights lawsuit. Doc. 5. Plaintiff filed his amended complaint on June 3, 2021. Doc. 10. On June 15, 2021, the magistrate judge issued a report recommending that the complaint be dismissed with prejudice for failure to state a claim pursuant to 28 U.S.C. §§ 1915A(b)(1) and 1915(e)(2)(b). Doc. 13. Plaintiff filed written objections. Doc. 14.

The court reviews the objected-to portions of a magistrate judge's report and recommendation de novo. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The magistrate judge recommended dismissal because plaintiff's amended complaint failed to establish that any defendant had subjective knowledge of a serious threat to his safety before he was assaulted by a fellow inmate or that anyone had been deliberately indifferent to such a threat. Doc. 13 at 5-6. Plaintiff's objection to the report similarly does not establish those necessary facts. Doc. 14. Plaintiff complains that he should be provided an attorney to help him satisfy the Court's "[h]igh standard." *Id.* But no amount of legal expertise would help

plaintiff succeed in this case where the facts alleged simply do not establish a constitutional violation. Plaintiff also complains about what he perceives to be unfair proceedings in connection with his criminal prosecution. *Id.* at 2. Those circumstances, however, are not material to the case before the court.

Having reviewed the magistrate judge's report de novo, and being satisfied that it contains no error, the court overrules plaintiff's objection and accepts the report's findings and recommendation. This case is dismissed with prejudice for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. §§ 1915A(b)(1) and 1915(e)(2)(b).

*So ordered by the court on June 30, 2021.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge